IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5886 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VISHNUBHAI MAGANBHAI & 11 - Petitioner(s)

Versus

PRESIDENT & 2 - Respondent(s)

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Appearance :

MR CJ VIN for Petitioner(s) : 1 - 12.
MR HARIN P RAVAL for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2,
MS ARCHANA RAVAL, AGP for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 04/05/2006

ORAL JUDGMENT

1.In this petition, the petitioners have prayed for quashing and setting aside the appointments made on 04-10-1990 of 16 persons which according to the petitioners were illegal and unlawful.

2.Though the petitioners have made a specific prayer of setting aside the appointments of those 16 persons, in the present petition, none of them have been joined as party-respondents. Granting lone substantive prayer made by the petitioners would immediately have adverse effect on such appointees. Obviously, therefore, such a prayer cannot be accepted in absence of such persons. On this short ground alone the petition deserves to be dismissed. There is no possibility of permitting the petitioners to join these persons in the present litigation as sought to be suggested by the learned advocate for the petitioners. This is so because the appointments were given, as per the say of the petitioners, in the year 1990. In the year 2006, after 26 long years it would not be possible for the petitioners to question the appointments of persons appointed long back by bringing them on record which steps ought to have been taken by the petitioner at the very outset, but not so done. On this short ground, the petition is rejected. Rule is discharged with no order as to costs.

(Akil Kureshi,J.)

(raghu)